

REMARKS

REJECTIONS UNDER 35 U.S.C. § 112

Claims 8-9, 24-25, and 40-41 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Office action states that the term “speculatively” is a relative term which renders the claims indefinite. Claims 8-9, 24-25, and 40-41 have been amended to remove the term “speculatively” from the claims. Thus, Applicant submits claims 8-9, 24-25, and 40-41 are definite and satisfy the requirements of 35 U.S.C. § 112, second paragraph. Therefore, Applicant respectfully requests the rejection of these claims be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 103

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, the **prior art reference** (or references when combined) **must teach or suggest all the claim limitations**. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be both found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Claims 1, 17 and 33

Claims 1, 17 and 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,189,098 issued to Kaliski, Jr. (*Kaliski*) in view of U.S. Patent No. 6,886,095 issued to Hind et al. (*Hind*). Applicant submits claims 1, 17 and 33 are not obvious in view of *Kaliski* and *Hind* for at least the reasons set forth below.

Claim 1 recites, in part, the following:

generating a shared secret to be provided to an access point of the wireless access network;
encrypting the shared secret with an access point public key;
generating an authenticator string, the authenticator string demonstrating possession of a user terminal private key;
sending a message to the access point, the message including the encrypted shared secret, a user terminal certificate, and the authenticator string.

Claims 17 and 33 recite similar limitations.

The Office action cites *Kaliski* as teaching the limitations of claim 1. *Kaliski* discusses a protocol for establishing the authenticity of a *client* to a *server* in an electronic transaction. See Abstract. *Kaliski* does not disclose or suggest wireless communication. In fact, establishing the authenticity of a client to a server suggests an absence of wireless communication. *Kaliski* does not teach or suggest sending a message to a *wireless access point*, the message including an encrypted shared secret, a user terminal certificate, and an authenticator string.

The Office action correctly concedes that *Kaliski* does not teach or disclose generating an authenticator string that demonstrates possession of a user terminal private key, as recited in claim 1. *Hind* is cited as teaching an authenticator string that demonstrates possession of a user terminal private key. Whether or not *Hind* teaches the limitations cited in the Office action, *Hind* does not teach or disclose sending a message to a wireless access point, the message including an encrypted shared secret, a user terminal certificate, and an authenticator string, as recited in claim 1. Thus, *Hind* fails to cure the deficiencies of *Kaliski*. Therefore, Applicant respectfully submits claims 1, 17 and 33 are not obvious in view of *Kaliski* and *Hind*.

Dependent Claims 2-7, 18-23, and 34-39

Claims 2-7, 18-23 and 34-39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kaliski* in view of U.S. Patent No. 6,754,824 issued to Persson et al. (*Persson*). Applicant submits claims 2-7, 18-23 and 34-39 are not obvious in view of *Kaliski* and *Persson* for at least the reasons set forth below.

Claims 2-7 depend from claim 1. Claims 18-23 depend from claim 17. Claims 34-39 depend from claim 33. As discussed above, claims 1, 17 and 33 are not obvious in view of *Kaliski* for at least the reason that *Kaliski* does not teach or disclose ***sending a message to a wireless access point***, the message including an encrypted shared secret, a user terminal certificate, and an authenticator string, as recited in claim 1. *Persson* is cited as teaching various limitations in the dependent claims. However, *Persson* does not teach or disclose ***sending a message to a wireless access point***, the message including an encrypted shared secret, a user terminal certificate, and an authenticator string. Thus, *Persson* fails to cure the deficiencies of *Kaliski* in the independent claims. Therefore, given that dependent claims necessarily include the limitations of the claims from which they depend, Applicant respectfully submits claims 2-7, 18-23, and 34-39 are not obvious in view of *Kaliski* and *Persson* for at least the aforementioned reasons.

Claims 10-16, 26-32 and 42-48

Claims 10-16, 26-32 and 42-48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kaliski* in view *Persson* and further in view of *Hind*. Applicant submits claims 10-16, 26-32 and 42-48 are not obvious in view of *Kaliski*, *Persson*, and *Hind* for at least the reasons set forth below.

Claim 10 is a method claim that recites, in part, the following:

receiving a message from a user terminal of the wireless access network, the message containing a shared secret encrypted with an access point public key, a user terminal certificate, and an authenticator string demonstrating possession by the user terminal of a user terminal private key;

Independent claims 26 and 42 are apparatus and Beauregard claims, respectively, that recite similar limitations.

The Office action cites *Kaliski* as teaching receiving a message from a user terminal of the wireless access network. However, the cited portion of *Kaliski* (col. 4, line 56 – col. 5, line 10) clearly does not disclose or suggest receiving a message *from a user terminal of a wireless access network*. In fact, it appears that *Kaliski* does not anywhere discuss wireless access networks or anything related thereto.

Hind is cited as teaching authenticating the user terminal by checking the authenticator string using a user terminal public key included in the user terminal certificate to verify possession of the user terminal private key by the user terminal. Whether or not the cited portion of *Hind* teaches the limitations cited in the Office action, the cited portion *Hind* does not teach or disclose receiving a message from a user terminal of a wireless network, the message containing a shared secret encrypted with an access point public key, a user terminal certificate, and an authenticator string demonstrating possession by the user terminal of a user terminal private key. Thus, *Hind* fails to cure the deficiencies of *Kaliski*. Therefore, Applicant respectfully submits claims 10, 26 and 42 are not obvious in view of *Kaliski* and *Hind*.

Claims 11-16 depend from claim 10. Claims 27-32 depend from claim 26. Claims 43-48 depend from claim 42. Given that dependent claims necessarily include the limitations of the claims from which they depend, Applicant submits claims 11-16, 27-32

and 43-48 are not obvious in view of *Kaliski* and *Hind* for at least the same reasons discussed with respect to claims 10, 26 and 42.

CONCLUSION

For at least the foregoing reasons, Applicant submits that the rejections have been overcome. Therefore, claims 1-48 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

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Jared S. Engstrom
Attorney for Applicant
Reg. No. 58,330

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026
(503) 439-8778